

MICHAEL A. CARDOZO
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT

100 CHURCH STREET
NEW YORK, NY 10007

JESSICA T. COHEN
Assistant Corporation Counsel
rseligma@law.nyc.gov
(212) 788-0784
(212) 788-9776 (fax)

January 9, 2008

BY HAND DELIVERY

The Honorable Harold Baer, Jr.
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Patrick Kendall v. The City of New York, et al.
07 CV 10296 (HB)

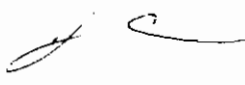
Your Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and the attorney assigned to the defense of the above referenced matter. I write to respectfully request an extension of time from January 14, 2008 until February 14, 2008 to answer or otherwise respond to plaintiff's complaint on behalf of defendants City of New York and Raymond Kelly. Additionally, without appearing on their behalf or making any representations as to the adequacy of service or otherwise, this office respectfully requests a similar enlargement of time until February 14, 2008 on behalf of defendants Sarah Mathers and Salvatore Tudisco. In addition, if Your Honor is inclined to grant these requests, defendants also respectfully request an adjournment of the initial conference, presently scheduled for February 7, 2008 at 2:30 p.m., to a date and time convenient to the Court after issue has been joined. Plaintiff's counsel, Andrew Stoll, Esq., consents to these requests.

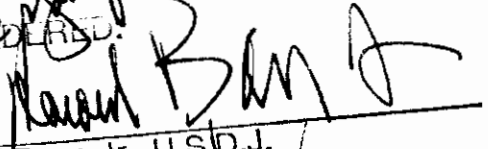
In accordance with this office's obligations under Rule 11 of the Federal Rules of Civil Procedure, we need time to investigate the allegations of the complaint. Plaintiff alleges that, on October 21, 2006, he was falsely arrested and subjected to excessive force by members of the New York City Police Department. Specifically, plaintiff alleges that he was a "passerby when the officers were arresting another individual." Plaintiff further alleges he was grabbed, thrown to the ground, assaulted, and arrested. As a result of the alleged incident, plaintiff claims he required medical treatment and suffers from physical pain and suffering, as well as emotional trauma. Accordingly, it is necessary for defendants to acquire as much information as possible concerning this matter in order to properly assess the case and respond to the complaint. To that end, this office is in the process of forwarding to plaintiff for execution a N.Y.C.P.L. §160.50 release so that we can access the sealed records from his underlying criminal prosecution,

Accordingly, defendants City of New York and Raymond Kelly respectfully request that their time to respond to the complaint be extended to February 14, 2008. Additionally, without appearing on their behalf or making any representations as to the adequacy of service or otherwise, this office respectfully requests a similar enlargement of time on behalf of defendants Sarah Mathers and Salvatore Tudisco.¹ In addition, if Your Honor is inclined to grant these requests, defendants also respectfully request an adjournment of the initial conference to a date and time after February 14, 2008 that is convenient to the Court. Thank you for your consideration of these requests.

Respectfully submitted,


Jessica T. Cohen (JC 0044)
Assistant Corporation Counsel

cc: Andrew Stoll, Esq. (by first-class mail)
Stoll, Glickman, and Bellina
Attorneys for Plaintiff
71 Nevins Street
Brooklyn, New York 11217

*Adjournment for answer to
Feb 14, 2008 granted and granted
as well as respect to Mathers &
Tudisco & PTC adjourned to
Feb 28, 2008 at 3:30 PM
Should any release of any
sort no be forthcoming w/m 10
days after it is forwarded to
Andrew Stoll Esq. you are to
arrange a conference call w me
Stoll Esq. for the following day*

Harold Baer, Jr., U.S.D.J.
1/15/08

¹ The enlargement will allow this office time to conduct its representation investigation with respect to defendants Mathers and Tudisco pursuant to General Municipal Law §50-K, and it should also allow for the submission of a joint response on behalf of all defendants.

Endorsement:

Adjournment for answer to Feb. 14, 2008 granted and granted as well with respect to Mathers and Tudisco and PTC adjourned to Feb. 28 2008 at 3:30 P.M. Should any release of any sort not be forthcoming within 10 days after it is forwarded to Andrew Stoll, Esq. You are to arrange a conference call with me, Stoll and you for the following day.